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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
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2642

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DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/837,962

Applicant(s)

GINZBOORG ET AL.

Examiner

Rasha S AL-Aubaidi

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3, 8, 4/17/01 and 10/02/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-6, 9, 11, and 14-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Joyce et al (US PAT # 6,381,316).

Regarding claim 1, Joyce teaches a method for controlling service provision in a telecommunications network including customer terminals (CT), used by customers for receiving services (this reads on customer telephone 7, see Fig. 1), at least one server (SP) for offering services to the customers, (this reads on server 17, see col.9, lines 27-55, also see Fig.1), and control means (CU) for controlling the provision of the service to

Art Unit: 2642

a customer (this may read on switch 15, see Fig.1, also col.8, lines 18-20), the method comprising the steps of providing the service by transmitting information to the customer terminal (see col.10, lines 35-42), making customer-specific payments for the service and sending information about said payments to the control means (this may read on the Billing module see col.9, lines 5-24), characterized by informing the control means of the current price of the services (see col.9, lines 5-24), maintaining at least one control parameter whose value is dependent on service price data and on payment data (this reads on NetManager 104, which provides real time rating/cutoff function that supports real time monitoring and rating of calls against a credit amount outstanding against a pre paid account, see col.12, lines 55-67), comparing the value of the control parameter to a first threshold (TT), and stopping the provision of the service when the value of the control parameter has reached the first threshold (this basically means not completing the call when the amount of money exceed the threshold value, see col.13, lines 1-12).

Claim 23 is rejected for the same reasons as discussed above with respect to claim 1.

Regarding claim 2, Joyce teaches maintaining at least two control parameters (the claimed two parameters read on the "talk time left" and "customer account balance" as taught by Joyce, col.14, lines 20-29), determining at least one threshold for each control parameter, and stopping the service when the value of a certain control

Art Unit: 2642

parameter exceeds a certain first threshold corresponding to that control parameter (this basically means not completing the call when the amount of money exceed the threshold value, see col.13, lines 1-12).

Claim 19 is rejected for the same reasons as discussed above with respect to claim 2.

Regarding claim 3, Joyce teaches comparing the value of one control parameter to a second threshold (NT) and sending a notification to the customer terminal (CT) when the value of the control parameter reaches the second threshold (see col.13, lines 8-12).

Regarding claims 4 and 11, Joyce teaches one control parameter is the control parameter whose value is used to stop the service (this reads on reaching the balance) whereby said second threshold is smaller than said first threshold (the second threshold may read on the warning announcement such as "you have one minute left").

Claim 20 is rejected for the same reasons as discussed above with respect to claim 1, 2, and 4, respectively.

Regarding claim 5, Joyce teaches using a control parameter, which represents the debt incurred by the customer (this basically reads on the switch manager that

Art Unit: 2642

provides the caller with the money balance left in customers account, see col.14, lines 18-30).

Regarding claim 6, calculating the value of the control parameter after each payment, comparing the control parameter to a third threshold (ADT) and sending a notification to the customer terminal when the value of the control parameter has reached said third threshold (this may read on the 0 money left in the account balance).

Claim 9 is rejected for the same reasons as discussed above with respect to claims 4 and 11.

Regarding claim 14, Joyce teaches determining the value of the control parameter on the basis of the current service session only (this simply reads on customer current and available balance).

Regarding claim 15, Joyce teaches storing data (this is done on the database 31 and 33, see col.8, lines 35-43, col.9, lines 1-24) concerning the service session of the customer and using the data relating to at least one previous service session of the current customer when determining the value of the control parameter during the current service session (col.16, lines 39-61).

Regarding claim 16, the use of timers to indicate when the value of a control

Art Unit: 2642

parameter will reach a threshold value is absolutely inherent, because the reference teaches the use of long distance service.

Claim 17 is rejected for the same reasons as discussed above with respect to claims 1 and 18.

Regarding claim 18, Joyce teaches calculating the value of the control parameter periodically and also when the price of the service changes and when a payment is received (see col.18, lines 10-49).

Claim 19 is rejected for the same reasons as discussed above with respect to claim 1.

Regarding claim 21, Joyce teaches in a network where one information flow is transmitted to several customers (see col.10, lines 35-42), characterized by maintaining customer-specific thresholds (this reads on NetManager 104, which provides real time rating/cutoff function that supports real time monitoring and rating of calls against a credit amount outstanding against a pre paid account, see col.12, lines 55-67), maintaining customer group-specific thresholds, and choosing the values of said thresholds so that the information flow to the customer can be stopped before the information flow to the entire customer group is stopped.

Regarding claim 22, Joyce teaches in a network where one information flow is

Art Unit: 2642

transmitted to several customers, characterized by storing data concerning the service session of a customer group and using the data relating to at least one previous service session of the current customer group when determining the value of the control parameter during the current service session (see col.14, lines 8-29).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 7-8, 10, and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joyce.

Art Unit: 2642

Regarding claims 7-8 and 10, Joyce does not specifically teach using a control parameter, which represents the ratio of the duration during which the customer has been in debt to the service provider to the duration during which the customer has not been in debt to the service provider

However, this may simply read on rating or ranking customers based on the period of time they have been in debit in comparison with other periods of time, which they have not been in debit. For example, one week out of the year in debit versus 6 months out of the year in debit.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have such a control parameter to rank customers periodically to be used for any purpose. Some businesses keep notes or customer rating to assist in handling future customer interactions.

Regarding claim 12, the claimed feature of changing the price of the service on the basis of the value of a control parameter simply reads on the scenario of making long distance phone calls in the evening for cheaper rates.

Regarding claim 13, changing the price of the service on the basis of the value of the control parameter, which is used to stop the service, is obvious since companies for example, may add an interest rate to an overdue balance.

Art Unit: 2642

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S. AL-Aubaidi whose telephone number is (703) 605-5145. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Examiner

Rasha S. Al-Aubaidi

03/14/2004


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
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